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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

PATTON, SPENCER D

ART UNIT

PAPER NUMBER

3664

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/559,586	Applicant(s) HUGHES, IAN	
	Examiner SPENCER PATTON	Art Unit 3664	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-27,31,37-41,44-49 and 52-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23-27,31,37-41,44-49,52-55 and 59-61 is/are rejected.
- 7) ☒ Claim(s) 56-58 and 62-64 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/26/2010 has been entered. Claims 23-27, 31, 37-41, 44-49, and 52-64 are pending.

Claim Objections

2. The numbering of claims is not in accordance with 37 CFR 1.126. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claim 66 been renumbered 64.

3. Claims 31, 44, 52, and 59-64 are objected to because of the following informalities:

Claim 31 depends upon cancelled claim 29.

Claims 44, 60 and 63 depend upon cancelled claim 43.

Claims 52, 61 and 64 depend upon cancelled claim 51.

Claims 59 and 62 depend upon cancelled claim 30

Claims 59 and 62; "the circle" lacks antecedent basis.

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Claims 62-64; --is-- should be inserted between "set of images" and "a second unique".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 26, 40 and 48 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 26, 40 and 48 require "wherein the signal specifies a starting location, wherein the at least one set of images comprises a plurality of sets of images, and wherein the unique route defined by each set of images leads to the destination location from the starting location." The specification and figures do not appear to provide support for providing multiple sets of images from a single starting location to a single destination. The figures only show multiple sets of images from multiple starting locations, and paragraph [043] of the specification only teaches providing a list of possible routes when multiple series of images are found, and also does not specify that multiple routes may be found from a single starting location.

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6. Claims 59-61 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 59-61 require “wherein a first unique route leading to the destination location and defined by a first set of images of the at least one set of images comprises a plurality of images on the circle.” Applicant points to paragraph [047] of the specification for support, but this paragraph only mentions that routes between locations on the circle may be provided. This paragraph does not specify that these routes are leading to the destination.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 23-25, 37-39 and 45-47** are rejected under 35 U.S.C. 103(a) as being unpatentable over Huckle et al (WIPO Publication No. 02/063243) in view of Kuroda et al (US Patent No. 6,604,045).

Huckle et al teaches:

Re claims 23, 37 and 45. A method for providing navigational instructions, said method comprising:

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a service centre (the base unit of page 6, lines 1-5) receiving a signal from a first device (user device of page 2, lines 17-22), said signal specifying a destination location (location of page 5, line 10), a receiving device selected from the group consisting of the first device (user device of page 2, lines 11-22; The signal specifies that the requested information is to be returned to the user device.), and a request for at least one route leading to the destination location such that the at least one route is to be sent to the receiving device (page 5, lines 9-13); and

in response to said receiving the signal from the first device, said service centre sending at least one set of images to the receiving device (page 5, lines 15-17), wherein each set of images of the at least one set of images defines a unique route leading to the destination location (page 5, lines 9-13; Each unique starting location has a unique route to the destination location.).

Huckle et al fails to specifically teach: **(re claims 23, 37 and 45)** a receiving device selected from the group consisting of a second device, and a request for at least one route leading to the destination location such that the at least one route is to be sent to the receiving device; **(re claims 25, 39 and 47)** wherein the receiving device specified in the signal is the second device.

Kuroda et al teaches, at Figures 5B and 6, column 1, line 56 through column 2, line 18, column 9, lines 19-35, column 14, lines 5-20, and column 67, lines 18-37, a system using a portable terminal 10 to request navigation information be sent from a data server 20 to an on-vehicle navigation device 30. Such a system provides ease of

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use and allows a user to prepare a drive plan while away from their primary navigation device.

In view of Kuroda et al's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the navigation system as taught by Huckle et al, **(re claims 23, 37 and 45)** a receiving device selected from the group consisting of a second device, and a request for at least one route leading to the destination location such that the at least one route is to be sent to the receiving device; **(re claims 25, 39 and 47)** wherein the receiving device specified in the signal is the second device; since Kuroda et al teaches that a portable terminal may be incorporated into a cell phone such as that used by Huckle et al at page 2, lines 17-22, and this portable terminal may request navigation information be sent from a data server to an on-vehicle navigation device, thus allowing a user to use their primary navigation device while not requiring the user to prepare the drive plan at the primary navigation device.

Huckle et al further teaches:

Re claims 24, 38 and 46. Wherein the receiving device specified in the signal is the first device (user device of page 2, lines 17-22; the user device requests and receives the route).

9. **Claims 26, 40 and 48** are rejected under 35 U.S.C. 103(a) as being unpatentable over Huckle et al (WIPO Publication No. 02/063243) as modified by

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Kuroda et al (US Patent No. 6,604,045) as applied to claims 23, 37 and 45 above, and further in view of Heron (US Patent No. 6,055,478).

The teachings of Huckle et al as modified by Kuroda et al have been discussed above. Huckle et al teaches:

Re claims 26, 40 and 48. Wherein the signal specifies a starting location (Figure 4a, user selects starting location).

Huckle et al fails to specifically teach: **(re claims 26, 40 and 48)** wherein the at least one set of images comprises a plurality of sets of images, and wherein the unique route defined by each set of images leads to the destination location from the starting location.

Heron teaches, at column 6, lines 21-25, providing multiple routes to a user so the user can select the most desirable route.

In view of Heron's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the navigation system as taught by Huckle et al as modified by Kuroda et al, **(re claims 26, 40 and 48)** wherein the at least one set of images comprises a plurality of sets of images, and wherein the unique route defined by each set of images leads to the destination location from the starting location; since Heron teaches providing multiple routes for a user to choose the most desirable route, and Huckle teaches that each route is presented to the user as a set of images.

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10. **Claims 27, 41, and 49** are rejected under 35 U.S.C. 103(a) as being unpatentable over Huckle et al (WIPO Publication No. 02/063243) as modified by Kuroda et al (US Patent No. 6,604,045) as applied to claims 23, 37, and 45 above, and further in view of Ohler et al (US Patent No. 6,314,367) and LeFebvre et al (US Patent No. 5,612,882).

The teachings of Huckle et al as modified by Kuroda et al have been discussed above. Huckle et al further teaches:

Re claims 27, 41, and 49. Wherein the service centre comprises a database, wherein the database comprises the at least one set of images (page 6, lines 1-3).

Huckle et al as modified by Kuroda et al fails to specifically teach: **(re claims 27, 41, and 49)** said service centre receiving a vote on a usefulness of received images in the at least one set of images; and said service centre modifying the database in dependence upon said received votes, wherein said modifying comprises at least one of replacing, deleting, and amending at least one image in the at least one set of images in the database.

Ohler et al teaches an error reporting process for a navigation device (column 11, lines 16-21; and column 12, lines 46-49) in which the reported errors are counted as if they were votes (column 12, line 66 through column 13, line 9), and the database is corrected when there are many errors reports in an area (column 13, lines 12-15).

In view of Ohler et al's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the navigation system as

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taught by Huckle et al as modified by Kuroda et al, **(re claims 27, 41, and 49)** said service centre receiving a vote on a usefulness of received images in the at least one set of images; and said service centre modifying the database in dependence upon said received votes, wherein said modifying comprises at least one of replacing, deleting, and amending at least one image in the at least one set of images in the database; since Ohler et al teaches user feedback as a way to improve the geographic database of a navigation system.

Huckle et al as modified by Kuroda et al and Ohler et al fails to specifically teach: **(re claims 27, 41, and 49)** said service centre receiving a vote on a usefulness of **each** received image in the at least one set of images.

LeFebvre et al teaches, at column 5, lines 13-29, obtaining user feedback on each direction the user receives in order to improve the navigation system.

In view of LeFebvre et al's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the navigation system as taught by Huckle et al as modified by Kuroda et al and Ohler et al, **(re claims 27, 41, and 49)** said service centre receiving a vote on a usefulness of **each** received image in the at least one set of images; since LeFebvre et al teaches using user feedback of every direction received in order to improve the navigation system.

11. **Claims 31, 44 and 52** are rejected under 35 U.S.C. 103(a) as being unpatentable over Huckle et al (WIPO Publication No. 02/063243) as modified by

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Kuroda et al (US Patent No. 6,604,045) as applied to claims 23, 37, and 45 above, and further in view of Jones (US Patent No. 6,904,359).

The teachings of Huckle et al as modified by Kuroda et al have been discussed above. Huckle et al additionally teaches:

Re claims 31, 44 and 52: Wherein each set of images comprises a furthest image that is furthest from the destination location (page 5, lines 9-13).

Huckle et al as modified by Kuroda et al fails to specifically teach: **(re claims 31, 44 and 52)** wherein the furthest images of the plurality of sets of images collectively form on a ring of images surrounding the destination location, and wherein the ring of images is shaped as a circle whose center is at the destination location.

Jones teaches, at Figure 28, illustrating locations surrounding a destination on a circle to indicate that these locations are all the same distance or time away from the destination.

In view of Jones' teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the navigation system as taught by Huckle et al as modified by Kuroda et al, **(re claims 31, 44 and 52)** wherein the furthest images of the plurality of sets of images collectively form on a ring of images surrounding the destination location, and wherein the ring of images is shaped as a circle whose center is at the destination location; since Jones teaches illustrating locations surrounding a destination on a circle to indicate to a user that the locations are all the same time or distance from a destination, thus giving the user a better sense of

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where the destination and the surroundings locations are in relation to each other. The starting points of Huckle are all locations surrounding a destination and may be displayed the same way as in Jones to give the user a better sense of where the destination and the surrounding locations are in relation to each other.

12. **Claims 53-55** are rejected under 35 U.S.C. 103(a) as being unpatentable over Huckle et al (WIPO Publication No. 02/063243) as modified by Kuroda et al (US Patent No. 6,604,045) as applied to claims 23, 37, and 45 above, and further in view of Ito (EP 1,106,965).

The teachings of Huckle et al as modified by Kuroda et al have been discussed above. Huckle et al further teaches:

Re claims 53-55. wherein the at least one set of images comprises a first set of images consisting of multiple images (Figure 4b)

Huckle et al as modified by Kuroda et al fails to specifically teach **(re claims 53-55)** wherein said sending the at least one set of images to the receiving device comprises sending the first set of images to the receiving device two images at a time.

Ito teaches, at paragraph [0109] and Figure 13, a navigation system which determines the memory available at a receiving device, and does not send more navigation instructions than will fit on the receiving device by breaking up the route data. In the example given at paragraph [0109], two navigation instructions are provided.

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In view of Ito's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the navigation system as taught by Huckle et al as modified by Kuroda et al, **(re claims 53-55)** wherein said sending the at least one set of images to the receiving device comprises sending the first set of images to the receiving device two images at a time; since Ito teaches breaking up a navigation route so that it will fit in the available memory onboard the receiving device. In the example given at paragraph [0109], two navigation instructions are provided which corresponds to two images of Huckle et al since each image is a navigation instruction.

Allowable Subject Matter

13. Claims 56-58 and 62-64 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

14. Applicant's arguments, see page 15, filed 5/26/2010, with respect to the 35 U.S.C. 112 rejection of claims 23, 37 and 45 have been fully considered and are persuasive. The 35 U.S.C. 112 rejection of claims 23, 37 and 45 has been withdrawn.

15. Applicant's arguments, see pages 18 and 22, filed 5/26/2010, with respect to the rejection(s) of claim(s) 25, 26, 35, 40, 47 and 48 under 35 U.S.C. 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn.

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However, upon further consideration, a new ground(s) of rejection is made in view of Huckle et al, Kuroda et al and Heron.

16. Applicant's arguments filed 5/26/2010 have been fully considered but they are not persuasive.

17. Applicant argues on pages 17 and 20, with respect to claims 23, 37 and 45, that Huckle does not teach "the signal specifying a receiving device such that the at least one route is to be sent to the receiving device." However Huckle teaches that the remote base unit is to transfer the appropriate views and maps to the user device and Kuroda et al teaches a system using a portable terminal to request navigation information to be sent from a data server to an on-vehicle navigation device. These systems send a response to a specific receiving device base on the input received at their base stations.

18. Applicant argues on page 23, with respect to claims 31, 44 and 52 that Jones depicts a set of locations rather than a set of images as required by the claims. However in the invention of Huckle, each location is represented by an image, and thus it would be obvious to display each image of Huckle in place of the locations of Jones.

19. Applicant argues on page 24, with respect to claims 31, 44 and 52 that the "alleged benefit of modifying Huckle ('indicate to a user that the locations are all the same time or distance from a destination, thus giving the user a better sense of where the destination and the surrounding locations are in relation to each other') is not relevant to Huckle because the essence of Huckle's invention is to display to the user routes to the destination which is not improved in any manner by distributing locations

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on a circle." However giving a user a better sense of where the destination and the surrounding locations are in relation to each other can help orient a user and give them a better sense of distance in an unfamiliar city, which is directly related to a use of the invention of Huckle.

20. Applicant argues on pages 26-27, with respect to claims 27, 41 and 49, that LeFabvre cannot teach receiving a vote of usefulness for each received image because an image is a static visual communication and an instruction to turn a moving vehicle by a specified angle is a continuously flowing acoustic communication. However LeFabvre teaches obtaining user feedback on every direction given to a user, and Huckle teaches that directions are given to a user in the form of images.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SPENCER PATTON whose telephone number is (571)270-5771. The examiner can normally be reached on Monday-Thursday 7:30-5:00; Alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Khoi Tran can be reached on (571)272-6919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/SPENCER PATTON/

Examiner, Art Unit 3664

/KHOI TRAN/

Supervisory Patent Examiner, Art Unit 3664